

**RECEIVED**

SEP: 11 2008

PUBLIC SERVICE  
COMMISSION

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

APPLICATION OF KENTUCKY )  
UTILITIES COMPANY FOR AN ) CASE NO. 2008-00251  
ADJUSTMENT OF BASE RATES )

**In the Matter of:**

APPLICATION OF KENTUCKY )  
UTILITIES COMPANY TO FILE ) CASE NO. 2007-00565  
DEPRECIATION STUDY )

**In the Matter of:**

AN ADJUSTMENT OF THE ELECTRIC )  
AND GAS RATES, TERMS AND ) CASE NO. 2008-00252  
CONDITIONS OF LOUISVILLE GAS )  
AND ELECTRIC COMPANY )

**In the Matter of:**

APPLICATION OF LOUISVILLE GAS )  
AND ELECTRIC COMPANY TO FILE ) CASE NO. 2007-00564  
DEPRECIATION STUDY )

**JOINT PETITION OF KENTUCKY UTILITIES COMPANY  
AND LOUISVILLE GAS AND ELECTRIC COMPANY  
FOR CONFIDENTIAL PROTECTION FOR RESPONSES  
TO CERTAIN DATA REQUESTS OF THE ATTORNEY GENERAL**

Kentucky Utilities Company ("KU") and Louisville Gas and Electric Company ("LG&E") (collectively "Applicants") hereby petition the Kentucky Public Service Commission ("Commission") pursuant to 807 KAR 5:001, Section 7, and KRS 61.878(1)(c) to grant confidential protection for the items described herein, which the Applicants seek to provide in response to: Attorney General's Initial Requests for Information to KU Nos. 44(a), 78, 107, and 115 ("KU Request Nos."); and Attorney General's Initial Requests for Information to LG&E

Nos. 86, 112, and 120 (“LG&E Request Nos.”). In support of this Petition, the Applicants state as follows:

1. The Kentucky Open Records Act exempts from disclosure certain commercial information. KRS 61.878(1)(c). To qualify for this exemption and, therefore, maintain the confidentiality of the information, a party must establish that disclosure of the commercial information would permit an unfair advantage to competitors of the party seeking confidentiality.

2. KU Request No. 78 and LG&E Request No. 86 ask the Applicants to provide their communications with bond rating agencies, which communications include forward-looking projections. Such information merits confidential protection because revealing the Applicants’ prospective capital expenditure and other budgetary information would likely harm the Applicants’ ability to compete in wholesale power markets by revealing their strategic direction and their input costs.

3. KU Request No. 107 and LG&E Request No. 112 ask the Applicants to provide the hourly gross and net output of their generating units, which the Applicants maintain in strict confidence. Likewise, KU Request No. 115 and LG&E Request No. 120 ask the Applicants to provide their generation fuel costs. Such information merits confidential protection because revealing it would likely harm the Applicants’ ability to compete in wholesale power markets by revealing their input costs and dispatch methodology, which can affect wholesale sales strategy and performance.

4. If the Commission disagrees with any of these requests for confidential protection, however, it must hold an evidentiary hearing (a) to protect the Applicants’ due process rights and (b) to supply the Commission with a complete record to enable it to reach a

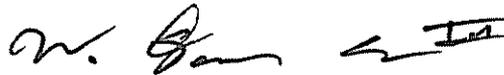
decision with regard to this matter. Utility Regulatory Commission v. Kentucky Water Service Company, Inc., Ky. App., 642 S.W.2d 591, 592-94 (1982).

5. The Applicants will disclose the confidential information, pursuant to a protective agreement, to intervenors and others with a legitimate interest in this information and as required by the Commission. In accordance with the provisions of 807 KAR 5:001 Section 7, the Applicants herewith file with the Commission one copy of the above-discussed responses with the confidential information highlighted and ten (10) copies of its response without the confidential information.

**WHEREFORE**, Kentucky Utilities Company and Louisville Gas and Electric Company respectfully request that the Commission grant confidential protection for the information at issue, or in the alternative, schedule an evidentiary hearing on all factual issues while maintaining the confidentiality of the information pending the outcome of the hearing.

Dated: September 11, 2008

Respectfully submitted,



Kendrick R. Riggs  
W. Duncan Crosby III  
Stoll Keenon Ogden PLLC  
2000 PNC Plaza  
500 West Jefferson Street  
Louisville, Kentucky 40202-2828  
Telephone: (502) 333-6000

Allyson K. Sturgeon  
Senior Corporate Attorney  
E.ON U.S. LLC  
220 West Main Street  
Louisville, Kentucky 40202  
Telephone: (502) 627-2088

Counsel for Kentucky Utilities Company and  
Louisville Gas and Electric Company

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Joint Petition for Confidential Protection was served via U.S. mail, first-class, postage prepaid, this 11th day of September 2008 upon the following persons:

Dennis G. Howard II  
Lawrence W. Cook  
Assistant Attorneys General  
Office of the Attorney General  
Office of Rate Intervention  
1024 Capital Center Drive, Suite 200  
Frankfort, KY 40601-8204

David C. Brown  
Stites & Harbison, PLLC  
400 West Market Street, Suite 1800  
Louisville, KY 40202

Michael L. Kurtz  
Boehm, Kurtz & Lowry  
36 East Seventh Street, Suite 1510  
Cincinnati, OH 45202

Joe F. Childers  
Getty & Childers, PLLC  
1900 Lexington Financial Center  
250 West Main Street  
Lexington, KY 40507

Willis L. Wilson  
Leslye M. Bowman, Director of Litigation  
Lexington-Fayette Urban County Government  
Department of Law  
200 East Main Street, P. O. Box 34028  
Lexington, KY 40588-4028

Lisa Kilkelly  
Legal Aid Society  
416 West Muhammad Ali Blvd.  
Suite 300  
Louisville, KY 40202

  
Counsel for Kentucky Utilities Company  
and Louisville Gas and Electric Company